HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Second Appeal No.480 of 2007

Appellant Plaintiff	Sahadas, S/o Vishram Das, aged 22 years, Caste-Panika, R/o Village Kumhari, P.S. Marwahi, Tahsil Marwahi, Distt. Bilaspur (C.G.)

versus

Respondents Defendants	1. Kartik Das, S/o Bagghu, aged about 52 years, Caste Panika, R/o Village Kumhari, P.S. Marwahi, Tahsil Marwahi, Distt. Bilaspur (C.G.) 2. State of Chhattisgarh, through Collector Bilaspur, Distt. Bilaspur (C.G.)

Second Appeal under Section 100 of the Code of Civil Procedure, 1908

Present : Appellant by Shri Dhirendra Mishra, learned counsel.

ORAL ORDER

(Passed on 14th day of November, 2007)

Heard on I.A.No.1 for condonation of delay of 41 days in filing this appeal.

(2) Following grounds have been pressed in support of the application for condonation of delay:

(A) that the appellant is a rural and illiterate person, who is ignorant about law of limitation,

(B) that the appellant could not contact his counsel for filing the appeal, and

(C) the appellant did not know about the judgment and decree passed by the lower appellate Court.

(3) So far as ground (A) is concerned, ignorance of law of limitation is not a sufficient cause for condonation of delay, particularly when it is not disputed by learned counsel for the appellant herein that the appellant was represented by counsel in both the Courts below. In this view of the matter, ground (B) also does not constitute 'sufficient cause'.

(4) So far as ground (C) is concerned, the application for condonation of delay itself says that the appellant had moved an application for certified copy of the impugned judgment and decree and the copy was delivered on 30-06-2007. Therefore, it cannot be accepted that the appellant did not know about the judgment and decree passed by the lower appellate Court. In this view of the matter, no sufficient cause is made out for condonation of delay in filing the second appeal.

(5) The application for condonation of delay, i.e., I.A.No.1 is accordingly dismissed. As a consequence, the second appeal is also dismissed as barred by limitation.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Gopal